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# Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination against Women (CEDAW)**

## Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

**Initial report of States parties**

**Myanmar**

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# I. Introduction

Myanmar is the largest country in the South-East Asia peninsular proper. It shares borders with India and Bangladesh in the west, China in the north, and the Lao People's Democratic Republic and Thailand in the east. It has a 2,228-km-long coast line in the south, opening out to the Gulf of Martaban and Bay of Bengal. The population of Myanmar is made up of 135 national races, with Bamar, Chin, Kachin, Kayah, Kayin, Mon, Rakhine and Shan being the major races.

The status of Myanmar women is very unique as equality with men has been bestowed upon them as an inherent right. As historical evidence has shown, Myanmar women have enjoyed equal rights with men ever since the inception of Myanmar civilization 2,000 years ago. Traditions and customs, *dhamathats* (customary laws), religious beliefs and practices have all along safeguarded the right to equality of Myanmar women in all crucial sectors, like marriage and inheritance.

Since the days of Myanmar kings, women have played distinguished roles in administration and the judicial sector. According to the royal court protocol, the rites in the coronation ceremony of Myanmar kings were never complete without the presence of the royal consort, the chief Queen. Also, the death sentence passed on a prisoner could be commuted on a royal request of the Queen or the Royal Princess.

From 1885 until 1948, Myanmar women carved their place beside their men in the struggle for national independence. Moreover, further back in Myanmar history, many women who were well versed in literature, law and religious doctrines rendered distinguished service to the country.

Women have all along been given high standing in the culture, and the equality of women to men is visible not only in homes but also ventures deep into public sectors.

It is not surprising that the successive constitutions of Myanmar clearly spell out the equality of all citizens before the law, regardless of sex or religion.

In fact, no barriers whatsoever in the form of racial norms or practices restrain Myanmar women from playing prominent career roles. Phrases in the Myanmar language such as "wives who are like mothers" and "wives who are like sisters" indicate the loving respect and sentimental devotion which men have towards their wives.

There is no sex discrimination in the Myanmar education system, and the academic ability of the students is the only factor that limits boys and girls in their studies. The number of girl students is on the rise at all levels.

The number of women in the business, commerce, agricultural, industrial and other sectors is increasing, and the Government has made use of this huge potential of women in national development programmes.

A delegation from Myanmar attended the Fourth World Conference on Women, held in Beijing in 1995. The Myanmar delegates had an opportunity to tell the world about the role of Myanmar women in their country and how women and girls were fully enjoying their inalienable rights. Opportunities and privileges, safeguarded by law, are open to women, and through women, cultural traits and traditions are preserved through successive generations.

# II. Data about Myanmar

## A. Area and population

Myanmar is the largest country in South-East Asia. The surface area is 676,577.8 square kilometres. The main features of the country are the River Ayeyarwaddy, which runs from north to south, a central plain along the River Ayeyarwaddy and the mountains surrounding the plain.

Myanmar has a population of 47.25 million (1998) of which 23.46 million are male and 23.79 million female. The population growth rate is 1.84 per cent. The life expectancy (1996) at birth for men in urban areas is 60.6 years; in rural areas, 60.1 years; for women in urban areas, it is 64.5 years and in rural areas, 62.2 years.

## B. History

### Ancient history

Myanmar has an ancient history going back to the ninth century B.C. According to Myanmar Chronicles, the Tagaung in upper Myanmar was the birthplace of Myanmar civilization. The Myanmar Glass Palace Chronicle which was first compiled in 1829 links the Tagaung Dynasty with the Pyu Kingdom of Tharekkittara, founded in 483 A.D. The Tharekkittara Kingdom flourished between 483 A.D. and 832 A.D. Since the days of the Pyu Kingdom, the status of women in Myanmar has been high.

The first Myanmar Empire dates back to 1044 A.D. to the time of King Anawrahta, who founded the glory of Bagan. The inscriptions of Bagan described a woman headman, a woman in charge of granaries, a field worker,

a person in charge of royal fans, a woman purveyor of royal betal leaves and nuts, women musicians, singers and dancers. There was mention of a nun who recited parrita with monks. There were also many instances of husband and wife performing works of merit together, indicating the high status of women in the Bagan era (tenth to thirteenth centuries), enabling women not only to own property but also to dispose of it.

In the Mon Kingdom of Bago (Hanthawadi), Queen Shin Saw Pu ruled from 1453 to 1472 A.D. The Queen ruled well. She was not the only Queen in Myanmar. The Rakhines also had Queen Kywapi at Wesali from 334 to 341 A.D.

The second Myanmar Empire was established by King Bayinnaung in 1551 A.D. in Taungoo, and the third Myanmar Empire, by King Alaungpaya in 1752 A.D. in Shwebo. Thereafter, successive Myanmar kings ruled the country until 1885. King Thibaw, the son of King Mindon, who ruled the country from Mandalay from 1853 to 1878, was the last King of Myanmar.

### Annexation by the British

The first Anglo/Myanmar war was fought from 1824 to 1826, and Myanmar had to cede Rakhine, Tanintharyi, Assam and Manipur. In the second Anglo/Myanmar war, 1852-1853, Myanmar lost the lower part of the country, including Yangon, Mottama, Pathein and Bago. After the third war in 1885, the country was annexed by the British.

Immediately after the annexation of the entire country by the British, there emerged nationalist movements against the colonial power throughout the country. Myanmar women actively participated in those movements. There were many famous women who fought alongside men in the wars against the British and later against the Japanese during the Second World War.

### Post-Independence era

Since regaining independence from the British on 4 January 1948, Myanmar had to face internal strife by various armed groups as a result of the divide-and-rule policy of the colonial power. Consequently, the country suffered greatly and lagged behind in economic and social development, especially in the remote border areas.

Some years after independence, a power struggle erupted among Myanmar politicians. So serious was the disagreement among the then political parties that the caretaker Government, led by the Tatmadaw (Armed Forces), had to take control in 1958. In 1960, the caretaker Government held an election and transferred power back to the elected political Government. Again in 1962, due to cessationist tendencies among the national races, the Revolutionary Council, led by the Tatmadaw, had to take control of the State to prevent the Union from disintegration.

The first Constitution (1947) was drafted hastily in order to expedite the transfer of power from the British; thus it had many weaknesses and loopholes. The second Constitution (1974) was approved in a referendum by an overwhelming majority of the population. Under the 1974 Constitution, the Burma Socialist Programme Party (BSPP) led the country until the latter part of 1988, during which a centrally planned economy was administered under a single party system.

Due to anarchy and lawlessness in 1988, the Tatmadaw had to take over the State responsibilities in September to save the country from total disintegration. Subsequently, the State Law and Order Restoration Council was formed, and the following three main national causes were laid down:

(a) The non-disintegration of the Union ;

(b) The non-disintegration of national solidarity ;

(c) Consolidation in perpetuity of national sovereignty.

The State Law and Order Restoration Council has been giving priority to attaining peace and national reconciliation in Myanmar. The return to the legal fold of 16 out of 17 armed groups is an unprecedented achievement in national reconsolidation, and consequently peace and tranquillity have prevailed throughout the country. A separate Ministry for Progress of the Border Areas and National Races and Development Affairs was established in 1992 to implement development projects effectively in the border areas.

In accordance with the present realities, the State Law and Order Restoration Council has, as of 15 November 1997, been replaced by the State Peace and Development Council of Myanmar.

## C. Economy

The Government of Myanmar has replaced its centrally planned economy with a more liberalized economic system and has instituted structural reform measures to pave the way for a market-oriented economic system. A three-year stabilization programme (1989/90 to 1991/92) was implemented to arrest the severe decline in the economy and to stabilize rising prices. Due to the efforts made and reform measures undertaken, the economy began to recover and registered a growth rate of 5.9 per cent during three-year

period. A short-term four-year plan (1992/93 to 1995/96) was formulated, with the objective of significantly enhancing production and exports of goods and services. Due to concerted efforts, a remarkable average annual growth rate of 7.5 per cent was realized, compared to the original planned target of 5.1 per cent, and per capita income increased at an average rate of 5.6 per cent, thus improving favourable conditions for economic development. After successfully implementing the four-year plan, a short-term five-year plan (1996/97 to 2000/2001) was formulated and is being implemented with the objective of laying down more stable economic and social foundations for sustained growth, leading to the emergence of a modern and developed nation.

The first two years of the five-year plan have been implemented, achieving a growth rate of 6.4 per cent in 1996/97 and 5.7 per cent in 1997/98, thereby achieving the projected annual growth rate. It is envisaged that the original annual average growth rate of 6.0 per cent for the plan period is achievable, given that resource potentials are favourable and necessary reform measures are being undertaken.

The Government has liberalized domestic and external trade, promoted the role of the private sector, and opened itself up to foreign investment. Technical know-how from sources inside the country and abroad is welcomed.

Due to favourable conditions in terms of natural resources, generally good and regular weather conditions, and a favourable ratio of land to population, Myanmar as a whole enjoys sufficient food for internal consumption in terms of cereal, edible oil, fresh vegetables, livestock and fish products. Rice, the staple food, is produced in sufficient quantity, leaving surplus for export. Other major food crops such as maize, beans and pulses are also produced in increasing quantity, spurred by price incentives in recent years with the introduction of a market economic system. Some regions which have not attained self-sufficiency in food and where land resources are available, measures are being taken to increase the production of food items.

Generally, Myanmar has been a major exporter of food grains for many years. Agriculture remains the main sector of the economy, and measures are being taken to raise productivity, diversify cropping patterns, and revitalize agricultural exports. In recent years, the production and export of beans and pulses registered significant increases. The production and export of fish and prawns also underwent significant increase with the opening of these areas to private-sector development and encouragement. Programmes have been laid down for further increases in food production, especially paddy, beans and pulses and edible oil crops, by undertaking construction of dams, disseminating quality seeds and agro-practices, and by extension services.

## D. Employment

Out of the total population of 46.4 million in 1997/98, the male population was 23.04 million and the female population, 23.36 million. The working age group (15-59) years was 27.40 million, or 59.05 per cent.

The total level of employment increased by 2.2 per cent over 1996/97 to 18.36 million in 1997/98, reflecting the growth in employment opportunities associated with the expansion of social and economic activities. Out of the total estimated employed persons, 11.51 million (62.7 per cent) were engaged in the agricultural sector; 1.66 million (9.1 per cent), in the processing and manufacturing sector; 0.57 million (3.1 per cent), in the remaining productive sectors, comprising energy, mining, electrical power and construction; 1.98 million (10.8 per cent), in service sectors such as transport and communications, social services and administration services; and 1.78 million (9.7 per cent), in the trade sector.

## E. Social features

The predominant religion in Myanmar is Theravada Buddhism, with about 90 per cent of the population being Buddhist. Buddhist literature found on ancient Pyu antiques reveals that Buddhism arrived in Myanmar in the first century A.D. in the Pyu period. The Myanmar people have been Buddhists for generations and follow the teachings of Lord Buddha and live radiating loving kindness to all creatures. The Buddha, in his discourses, never slighted the role of women, either in his personal life or in his mission of teaching the truth he had found.

Religious intolerance or discrimination on grounds of religion has been non-existent in Myanmar throughout its long history. There is complete freedom of worship. The main religions of Buddhism, Christianity, Islam and Hinduism exist in the country in harmony and peaceful coexistence. In this regard, an independent expert of the United Nations, Sadako Ogata, in her comments submitted to the United Nations, stated that there was a total absence of discrimination based on religion in Myanmar. From the highest ranks of Government service throughout the ranks of public services, the question of religion simply did not

arise ... Myanmar society may in that respect be a model society.

Myanmar is endowed with a rich culture going back two millennia. Myanmar's culture is known for its gentleness, compassion and tolerance. The relationship within the Myanmar family is unique. The average household includes 5-7 persons, with an extended family being the norm In a family the father is regarded as the head of household and highly respected; the mother is equally respected.

In order to maintain the good traditions and nationalistic spirit obtained from the ancestors, the Government has laid down the following four social objectives:

(a) Uplift of the morale and morality of the entire nation;

(b) Uplift of national prestige and integrity and preservation and safe-guarding of cultural heritage and national character;

(c) Uplift of dynamism of patriotic spirit;

(d) Uplift of health, fitness and educational standards of the entire nation.

## F. Environment

The Platform for Action adopted at the Fourth World Conference on Women includes strategic objectives for the women and the environment. The environment and natural resources management; water supply and sanitation; water resources and waste management; and new and renewable sources of energy are the sectors in which women's roles need to be enhanced and gender concerns should be integrated. Chapter IV.K of the Platform for Action states that sustainable development will be an elusive goal unless women's contribution to environmental management is recognized and supported.

In Myanmar, women have participated indirectly in preventing environment degradation, and their work is recognized and encouraged by the Government and community. Women in rural areas are traditionally aware of how to use fuelwood properly, how to get and store safe drinking water, and which plants can be used as indigenous medicine. In this way women have played an important role in reducing resource use, reusing and recycling resources to minimize waste and excessive consumption.

Myanmar has abundant water resources. To increase the population having access to safe drinking water, potable water from tube wells and piped water is being provided. In addition, reticulations dams and irrigation systems are being constructed. The 1997 survey shows that 42.4 per cent of the population in rural areas and 68.7 per cent in urban areas have access to safe water. In urban areas, 70.5 per cent of the population have access to sanitation facilities; in rural areas the percentage is 44 per cent.

Forests cover about 51 per cent of the country. Deforestation in Myanmar is the result of shifting cultivation, fuelwood problems and, to a certain extent, population growth. To combat it, an afforestation programme, whereby 36,000 hectares are planted annually, has been implemented. Fast growing trees have been planted for fuelwood to supply the energy needs of the rural population.

There is no significant problem related to air or water pollution in the country.

### National environment policy

To establish sound environmental policies in the utilization of water, land, forests, mineral and marine resources and other natural resources in order to conserve the environment and prevent its degradation, the Government of Myanmar adopted the following policy in December 1994:

> "The wealth of a nation is its people, its cultural heritage, its environment and its natural resources. The objective of Myanmar's environment policy is aimed at achieving harmony and balance between these through the integration of environmental considerations into the development process to enhance the quality of the life of all its citizens. Every nation has the sovereign right to utilize its natural resources in accordance with its environmental policies; but great care must be taken not to exceed its jurisdiction or infringe upon the interests of other nations. It is the responsibility of the State and every citizen to preserve its natural resources in the interest of present and future generations. Environmental protection should always be the primary objective in seeking development".

## G. International relations

Myanmar steadfastly adheres to the ideals of world peace and security and became a member of the United Nations on 19 April 1948, only three months after regaining independence. As a responsible member of the Organization, Myanmar supports and adheres to the principles enshrined

in the Charter of the United Nations and cooperates consistently with the United Nations and other international organizations. Myanmar is also a member of the non-aligned movement.

Myanmar pursues an independent and active foreign policy and maintains friendly relations with all countries of the world and has close and cordial relations with all neighbouring countries.

In international relations, Myanmar consistently upholds the five principles of peaceful co-existence and opposes imperialism, colonialism, neo-colonialism, racism, racial discrimination and subjugation.

In keeping with its national interests, Myanmar participates in regional and international forums. Myanmar became a member of the Association of South-East Asian Nations (ASEAN) in July 1997, and it also joined the new subregional economic grouping of BIMST-EC (Bangladesh-India-Myanmar-Sri Lanka-Thai Economic Cooperation) in August 1997.

## H. Demographic factors

### Population density

In 1998, the population density of the country was 70 persons per square kilometre; 28 per cent of the total population resided in urban areas and 72 per cent in rural areas.

### Crude birth and death rate

The vital registration system provides crude birth and death rates for urban areas and some of the rural areas. The coverage for the urban is quite good, representing about 91 per cent of the total urban population, although the number of townships reporting varies with time. The crude birth rate per 1,000 population in 1996 was 28.1 for urban areas and 30.0 for rural.

The crude death rate per 1,000 population in 1996 was 8.8 for urban areas and 9.9 for rural.

### Total fertility rate (TFR)

The total fertility rate in 1996 was 3.48 for urban areas.

# III. Convention articles

## Articles 1 and 2. Legal provisions against discrimination

In Myanmar, women legally enjoy rights equal to those of men in the political, economic, administrative, judicial and social spheres. The Myanmar State Constitution of 1947 clearly stated the specific attention to sexual equality and the rights of women. Article 13 reads as follows: "All citizens, irrespective of birth, religion, sex or race, are equal before the law; that is to say, there shall not be any arbitrary discrimination between one citizen or class of citizens and another."

Article 14 reads as follows: "There shall be equality of opportunity for all citizens in matters of public employment and in the exercise or carrying out of any occupation, trade, business or profession."

Article 15 reads as follows: "Women shall be entitled to the same pay as that received by men in respect of similar work."

The principle of sexual equality is unequivocally enshrined also in Article 22 of the 1974 Constitution, which states that "All citizens shall be equal before the law; regardless of race, religion, status or sex." In addition, the following rights of women are explicitly defined in Article 154:

(a) Women shall enjoy equal political, economic, social and cultural rights;

(b) Mothers, children and expectant mothers shall enjoy those rights as prescribed by law;

(c) Children born of citizens shall enjoy equal rights;

(d) Women shall enjoy freedom of rights guaranteed by law as regards marriage, divorce, partition of property and succession and custody of children.

Thus Myanmar women and men enjoy equal rights. Observations and a review of the literature reveal that women in Myanmar have enjoyed comparatively high status. Although there is some gender disparity, as in all societies, women in Myanmar can legally enjoy equal rights with men in the political, economic, administrative, judicial and social spheres.

Apart from the judicial means for protection against discrimination on the basis of sex, women are entitled to pursue their rights through the national women's machinery (see Article 3).

In Myanmar, a new State Constitution is being drafted under the guidance of the National Convention Convening Commission. In the draft, 104 basic principles have been laid down, and one principle prescribes that every citizen shall enjoy the right to equality, to freedom and to justice and to similar rights, as provided in the 1974 Constitution.

Under Myanmar national law, there is no discrimination against women in any form whatsoever. They are protected against all forms of discrimination.

## Article 3. National machinery and programmes

To systematically carry out activities for the advancement of women, the Myanmar National Committee for Women's Affairs was established on 3 July 1996, chaired by the Minister, Ministry of Social Welfare, Relief and Resettlement, which is designated as the National Focal Point for Women's Affairs. The Committee members are deputy ministers from related ministries, such as the Ministry of Labour, the Ministry of Education, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Information, the Ministry of Home Affairs and the Ministry of Culture. Also members of the Committee are the president of the Myanmar Red Cross Society, the three presidents of the notable women-related non-governmental organizations of the country, the Myanmar Maternal and Child Welfare Association, the Myanmar Women's Sports Federation, and the Myanmar Women Entrepreneurs' Association, and the representative of the Union Solidarity and Development Association. Representatives of the Attorney-General, the Chief Justice and the Ministry of National Planning and Economic Development are also included. On 7 October 1996 the Myanmar National Working Committee for Women's Affairs was formed, to carry out activities for the advancement of women. It was followed by the formation of state, division, district and township-level (grass-roots) working committees for women's affairs to fulfil the commitment made in Beijing. The hierarchy of governmental committees for women's affairs is as follows:

Myanmar National Committee

Myanmar National Working Committee

State/divisional working committees

District/township working committees.

In addition to the government sectoral ministries and the Myanmar National Committee for Women's Affairs and its working committees, numerous mechanisms exist in the non-governmental sector, such as the Union Solidarity and Development Association, the Myanmar Red Cross Society, the Myanmar Maternal and Child Welfare Association, the Myanmar Women's Sports Federation, the Myanmar Women Entrepreneurs' Association, the Myanmar Women's Development Association, and other social and religious organizations.

The Myanmar National Committee for Women's Affairs laid down the policy guidelines for the advancement of women, especially those living in the far-flung remote border areas.

In August 1997 the National Working Committee adopted the Myanmar National Action Plan for the Advancement of Women. The Working Committee has identified the following six critical areas that are considered to be the most relevant for the advancement of Myanmar women: education, health, economy, culture, violence against women and the girl-child, and subcommittees on each area have been formed. It has held advocacy meetings in states and divisions. The Working Committee has competence in receiving and channelling complaints and receives full cooperation from the non-governmental organizations.

The Myanmar Maternal and Child Welfare Association, established in 1991, is a non-governmental organization dedicated to promoting the health and well-being of mothers and children. It is at present functioning with 312 township associations and 4,000 branch associations, which are on the increase. It carries out birth-spacing activities in 149 townships, and 159 day-care centres for under-5 children have been established. Supplementary lunches for under-5 children are provided on a regular basis in 260 townships. By the year 2000, birth-spacing activities will be further increased. Day-care centres will also be increased, and supplementary lunches will be provided in all the townships in the country in the near future. The Association was presented with the Award for Primary Health Care Development in September 1998 by the World Health Organization/South-East Asia Regional Office.

The Myanmar Women Entrepreneurs' Association, which was formed in 1995, is also active in enhancing the role of Myanmar women. One of its objectives is to participate in and promote activities to raise the socio-economic life of Myanmar women and to encourage environmentally friendly, culturally sensitive business. Accordingly, in February 1999, the Entrepreneurs' Association held a seminar on micro-credit systems and women's banking in Yangon in cooperation with the Hanns Seidel Foundation. An ongoing successful activity of the

Entrepreneurs' Association is transfer-of-technology and income-generation programmes for rural women and credit-and-loan schemes for women who sell goods in the market.

The Myanmar Women Sports Federation was founded in 1991 with the aims of promoting the participation of women in sports and the development of women physically, mentally and morally.

The Myanmar Women's Development Association was founded in 1947. It focuses on caring for homeless girls and raises young girls of different national races. It also runs a kindergarten staffed by teachers who have been educated by the Association. In addition, it organizes lectures and training programmes on Buddhism.

## Article 4. Measures taken by the Government

Although the women in Myanmar have already achieved equality with men, the Government has set up national machinery for the advancement of women, especially for those at the grass-roots levels. The Myanmar National Working Committee for Women's Affairs, as stated above, was established, up to the township level, in all the states and divisions, and the working committees worked with the governmental departments and non-governmental organizations, as shown in diagram 2. The Myanmar National Committee for Women's Affairs holds meetings every three months at which it reviews the reports submitted by the Working Committee on developments in the six areas of concern. The National Committee also adopts the short-term plan of action of the Working Committee.

The National Committee held a two-day national seminar on women's development from 6 to 7 May 1988 with high-level participants from all states and divisions. The seminar's objective was to adopt the basic principles for the long-term plan (2001–2020) on development of Myanmar women.

The First Myanmar Women's Conference was held from 6 to 9 December 1998 with the objectives of promoting quality of life for women; ensuring regular and sustainable opportunities for women; acquiring patriotic spirit and safeguarding the cultural heritage of women; enhancing the full participation of women in nation-building tasks.

The meeting of the National Committee held on 26 June 1998 designated 3 July, the day the committee was formed, as "Myanmar Women's Day". The first Myanmar Women's Day was celebrated on 3 July 1998. In commemoration, essay competitions were held in all states and divisions of the country. (The National Committee had celebrated International Women's Day on 8 March 1988 for the first time.)

Regional consultations on violence against women and the role of the health sector were held in Yangon from 12 to 15 January 1999. The National Committee, along with the Ministry of Health and the World Health Organization, jointly sponsored the meeting. Representatives from nine countries in the region and related international organizations and non-governmental organizations participated.

Subcommittees implement the plan of action and report on their progress to the National Committee through its Working Committee every two months. The Subcommittee on Education held a talk on non-formal education, attended by all patrons of the working committees of the states and divisions. It is carrying out a base-line study of girls in the Yangon Division who have not received primary education, with a view to helping them complete primary education through non-formal education. The Subcommittee on Health has conducted a pilot study on essential obstetrics services in a township in Ayeyarwaddy Division. Findings from the study will be disseminated to decision makers, to be used as a model for implementation in other townships by the year 2000. The Subcommittee on Economy provides small loans with low interest to sellers at the market. The Subcommittee on Culture produced a play with famous artists to promote the awareness of Myanmar traditions and held classes for girls on Myanmar culture. Women and girls from all strata and professions attended these classes. The Subcommittee on Violence Against Women carried out a base-line study of marital violence in Yangon and an instructor course for data collection on protecting women against violence for representatives from all states and divisions. Two counselling centres were set up in the Yangon Division. The Subcommittee on the Girl Child is conducting research on its target group in the rural areas of Yangon Division, to protect and safeguard the rights of girl child.

## Article 5. Social and cultural patterns

In all societies the family is the basic social group, united through the bonds of kinship and marriage. Ideally the family provides its members with protection, companionship, security and socialization. The head of the household is the father, but it is the mother who plays a major role in rearing children.

In Myanmar society, traditions and customs expect a woman to control the purse, to prepare food, make clothing

and look after the children. The children are regarded as precious treasures, regardless of sex, and the news of the birth of a girl is as warmly welcomed as that of a boy. Boys and girls are equally loved in the Myanmar family. There may, of course, be families whose children are all boys and thus wish for daughters, and vice versa. Some families prefer daughters since daughters take on more responsibilities than the sons.

There is a Myanmar saying that "when the husband carries a load on his shoulder, the wife will carry a load on her head". This saying indicates the equal share she has with the husband with regard to responsibilities. It also shows the important status that women have in the family and the social fabric of Myanmar. The Government recognizes the important role of women in shaping the future of the country, and thus national programmes for promoting the survival, protection, and development of women and children are being undertaken and their progress is monitored.

Although the findings of a study in two townships on the incidence of marital violence reveals that marital violence exists, the magnitude is not very great. The Myanmar culture and religion strongly influence the mentality and behaviour of men and women alike. The teachings of Lord Buddha that crimes like rape and sexual violence are great sins serve as protection for women and children. Therefore, there are few reported cases of rape or sexual assault in Myanmar. Moreover, the existing laws protect women and children; the penalty for sexual abuse and rape is heavy punishment, up to transportation for life.

In Buddhism, parents and teachers are deeply respected and held in high esteem. Therefore, in Myanmar where 90 per cent of the people are Buddhists, looking after parents, grandparents and elderly people is considered to be meritorious, and care of the elderly is not an issue. In a report on the health of the elderly in Myanmar, it was found that 79.8 per cent of them lived with their children, 82.5 per cent in urban areas and 77.1 per cent in rural areas.

Old people with neither children nor relatives are well cared for in homes for the aged which are run by non-governmental organizations and religious organizations, and some are supported by the Government. There are many homes for the aged poor all over the country.

Women prisoners are protected by special laws and the jail manual. They are entitled to health care and certain privileges. Even the hair of the women prisoners must not be cut against their wishes. For female prisoners with hard labour, the work load is assigned according to physical health. If a woman who is given a death sentence is found to be pregnant, the sentence is reduced to life imprisonment.

Women who are handicapped or physically disabled and street children, including girls, are looked after by the Social Welfare Department and non-governmental organizations.

## Article 6. Trafficking in women and suppressing the exploitation of women

Myanmar women and girls have been well protected not only by traditions but also by the law. Myanmar society does not accept immoral ways of earning money. But because of false, seemingly innocent, promises on the part of well groomed traffickers for better job opportunities in other countries, there are a few cases of trafficking Myanmar women to neighbouring countries.

In order to prevent Myanmar women and young girls from being victims of trafficking, the Government has implemented preventive measures. Since the women in the border areas are more vulnerable, the Ministry of Progress of Border Areas and National Races and Development Affairs has established eight training centres in the towns adjacent to neighbouring countries since 1992. These centres provide vocational training to girls and women and help them to engage in income-generating activities.

The Ministry of Social Welfare, Relief and Resettlement conducts day-care teacher training courses and home-making courses for girls and young women in the states and divisions.

To disseminate information on the cases of trafficking in women and children, the Ministry of Information has set up libraries where anyone can read newspapers, journals and other publications free of charge. There are more than 300 offices of the Information and Public Relations Department throughout the country to which children's reading rooms are attached.

The Ministry of Immigration and Population and the authorities have also instituted measures along the border. Women between the ages of 16 and 25 years are not allowed to cross the border unless accompanied by a legal guardian.

Apart from the ministries concerned, the States and Divisions Women's Affairs Committees, Union Solidarity and Development Association, Myanmar Maternal and Child Welfare Association, Myanmar Red Cross Society, and the Myanmar Women Entrepreneurs' Association have participated actively in preventive measures in their own way.

The Association Francois-Xavier Bagnoud, an international non-governmental organization, also has a prevention programme which includes specifically "at risk" young women — younger sisters or relatives who live under the same roof as the "reintegration group" (of prostitutes).

The existing Myanmar laws which outlaw sexual exploitation and the trafficking and sale of children across borders or within countries for sexual purposes are as follows:

(a) The Suppression of Prostitution Act, 1949, and the Law Amending the Suppression of Prostitution Act, 1949;

(b) The Child Law, 1993;

(c) The Penal Code, 1860.

**The Suppression of Prostitution Act, 1949, and the Law Amending the Suppression of Prostitution Act, 1949**

In Myanmar, prostitution is discouraged and soliciting (seduction) in public is a crime. It is illegal to force or entice a woman into prostitution or to keep a brothel.

Section 3 of the Suppression of Prostitution Act provides that whoever, in any public street or public place or place of public access within sight of or earshot of any such street or place, whether from within or without any house, building, room, vessel, vehicle or not, (a) by words, gestures, willful and indecent exposure of her person or otherwise, lures or attempts to lure for the purpose of prostitution or (b) solicits, molests, prevents or approaches for the purpose of prostitution shall be punished with rigorous imprisonment for a term which may extend to a period not less than one year and not more than three years. If the convicted person is a woman, such woman shall be punished with imprisonment by being detained in a prescribed centre.

Section 6 provides that whoever procures any woman to become a prostitute or who, with intent that she may, for the purpose of prostitution, become the inmate of a brothel, persuades a woman to leave her usual place of abode shall be punished with rigorous imprisonment for a term which may extend to a period not less than one year and not more than three years.

Section 12 (1) provides that whoever detains a woman, whether a prostitute or not, against her will in a house, building, room, vessel, vehicle or place where living is earned by prostitution or in any part thereof; or in a house etc., with the intention of using the woman in illicit intercourse with any man other than her lawful husband or for any immoral purpose shall be punished with rigorous imprisonment for a term which may extend to three years.

The State Peace and Development Council enacted the Law Amending the Suppression of Prostitution Act, 1949, on 6 April 1998 to discourage pimps who earned a living by running prostitution in the guise of opening massage parlours or beauty parlours in cities, including Yangon.

Subsection (a) of section 2 of the Suppression of Prostitution Act, 1949, was amended as follows:

(a) "Brothel" means any house, building, room, any kind of vehicle/vessel/ aircraft or place habitually used for the purpose of prostitution or used with reference to any kind of business for the purpose of prostitution. In the said expression, part of the same is also included.

The expression "shall be punished with imprisonment for a term not less than one year and not more than three years" contained in subsection (1) of section 5 of the Suppression of Prostitution Act, 1949, was amended by the expression "shall be punished with imprisonment for a term of not less than one year and not more than five years and may also be liable to a fine".

The expression "shall be punished with imprisonment for a term which may extend to three years or with fine or with both", contained in section 8 of the Suppression of Prostitution Act, 1949, was changed to the expression "shall be punished with imprisonment for a term not less than one year and not more than five years and may also be liable to a fine".

**The Child Law, 1993**

The Child Law, 1993, promulgated by the State Law and Order Restoration Council Law No. 9/93, contains many provisions to protect children from exploitation, abuse, sale etc.

Section 66 provides that whoever commits the following acts shall, on conviction, be punished with imprisonment for a term which may extend to two years or with a fine which may extend to 10,000 kyats or with both: knowingly permitting a girl under his guardianship, who has not attained the age of 16, to earn a livelihood by prostitution; permitting a child under his guardianship to live or to consort with a person who earns a livelihood by prostitution; using a child in pornographic cinema, video, television or photography.

Section 17 of the Child Law provides that every child shall have the right to be adopted in accordance with law, but the adoption shall be in the interests of the child. The adoptive parents shall be responsible for the care and

custody of the child to ensure that there is no abduction to a foreign country, sale or trafficking, unlawful exploitation, unlawful employment, maltreatment, pernicious deeds or illegal acts.

**The Penal Code, 1860**

The Penal Code, 1860, has various sections referring to offences against children, such as procuration of minor girls, importation of girls from overseas, selling or buying of minors for purposes of prostitution.

Section 372 provides that whoever sells, lets to hire or otherwise disposes of any person under the age of 18 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to 10 years and shall also be liable to a fine.

Section 373 provides that whoever buys, hires or otherwise obtains possession of any person under the age of 18 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or will at any age be employed or used for any such purpose shall be punished with imprisonment of either description for a term which may extend to 10 years and shall also be liable to a fine.

Section 363 provides that whoever kidnaps any person from Myanmar or from lawful guardianship shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to a fine.

Section 366 and 366 A provides that whoever kidnaps or abducts women to marry any person against her will shall be punished with imprisonment for a term which may extend to 10 years.

Section 366 B provides that whoever imports into Myanmar from any country any girl under the age of 21 years with the intent that she may be forced into illicit intercourse with another person shall be punishable with imprisonment which may extend to 10 years.

Sections 367, 370 and 371 provide that whoever imports, exports, removes, buys, sells or disposes of any person as a slave or accepts, receives or detains against his will any person as a slave shall be punished with imprisonment which may extend to seven years.

In Myanmar all offenders have been penalized according to the existing laws. The victims of trafficking are sometimes not penalized and sometimes penalized nominally, depending on the nature of the cases.

For women who were apprehended under the Suppression of Prostitution Act, 1949, four adult women vocational training schools have been established under the Ministry of Social Welfare, Relief and Resettlement. Another two women's development centres have been opened for women of 18 years and above who are destitute for various reasons. Volunteer organizations have opened six women's rehabilitation centres throughout the country. A creative rehabilitation plan was set up by the Association François-Xavier Bagnoud, based on individual aspirations of the young women, their capacities, health conditions and economic realities. The special rehabilitation team for the victims include personnel from the Health Department, the Social Welfare Department, the Myanmar Police Force and the Immigration and Population Department. The victims are provided with medical treatment, counselling services and social support before being reintegrated into society.

A Task Force for Trafficking in Women and Children was formed in August 1998. It includes representatives from the Myanmar Police Force, Department of Progress of Border Areas and National Races and Development Affairs, Department of Immigration, Department of Health, Department of Social Welfare, Department of Basic Education, Department of International Organizations, Department of Prosecution and the Myanmar Maternal and Child Welfare Association.

Myanmar has signed the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others but had not ratified it or acceded to it. However, Myanmar acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997 and became a State party to the Convention on 22 July 1997.

The Commission on Human Rights, at its fifty-fourth session, in March/April 1998, adopted resolution 1998/30, "Traffic in women and girls". By its resolution the Commission called upon Governments of countries of origin, transit and destination and regional and international organizations to implement the strategic objective D.3 on trafficking in women, of the Platform for Action of the Fourth World Conference on Women. Myanmar co-sponsored the resolution.

## Article 7. Equality in political and public life at the national level

The social and economic roles of women have received enormous attention from policy makers in the developing world during the past decade. In various countries investigations have been conducted to find out the status of women in their respective countries with regard to legal matters, education, work, political and public participation etc., and Myanmar is no exception.

According to the Myanmar election laws, Myanmar women enjoy equal rights in respect of the right to vote and right to be elected.

Under section 9 of the Parliamentary Election Act of 1948 (Act No. 65 of 1948), every citizen has the right to contest in the elections to the Parliament. Under section 20, those whose names are enlisted have the right to vote, and under section 23, it is prescribed that every citizen who lives in the constituency and has attained 18 years of age has the right to be enlisted in the election list, so that both men and women have the right to contest in the election, and to vote as well.

In sections 3 and 12 of the Law Relating to the Election of Pyithu Hluttaw and Different Levels of People's Councils (Pyithu Hluttaw Law No. 8 of 1976), it is prescribed that every citizen "has the right to vote and the right to contest in the election". "Every citizen" in the said provisions is inclusive of both men and women under the existing Citizen's Law.

In the Burma Socialist Programme Party, there were many women cadres working for the party at different levels. There were also women representatives in the Pyithu Hluttaw (Parliament).

During the reign of the State Law and Order Restoration Council, under section 6 of the Pyithu Hluttaw Election Law, it was prescribed that every citizen, irrespective of sex or creed, had right to vote, and under section 8 of the same, it is prescribed that every citizen, irrespective of sex or creed, has right to contest in the elections. Thus, under the said Law, men and women have the same rights as to voting and being elected.

The number of Myanmar women seeking high position in public offices, politics and business has risen in the past decade. There are now women directors-general and managing directors, the highest rank in public offices, and a woman rector at the university level.

Women are also moving rapidly into the world of business. In terms of economic sectors, women executives are especially prominent in retailing, fashion, cosmetics and public relations. At a glance the number of women in positions of political and economic power is small, but it has increased compared to previous decades.

In the national convention being held to draw up the national constitution, women representatives from the various states and divisions and from different walks of life actively participate.

In the professions, most of the teachers are women. In the field of health, 50 per cent of doctors and 90 per cent of nurses are women. In the area of law and economics, the number of women judges, law officers, lawyers and entrepreneurs is increasing rapidly.

Myanmar women have played important roles in many fields, among which the most prominent is the social field. They have taken part in enhancing individual and group development and alleviating adverse social and economic conditions.

The non-governmental organizations such as Myanmar Maternal and Child Welfare Association, the Myanmar Women's Sports Federation, the Myanmar Women Entrepreneurs' Association, the Myanmar Medical Association and other women's cooperatives and religious associations have been endeavouring to promote the status of Myanmar women. In these organizations women outnumber the men, and most of the executive posts are held by prominent women leaders who have actively led the organizations to implement the plans of action in full strength.

## Article 8. Equality in political and public life at the international level

In Myanmar there is no legal impediment or any form of restriction on women's representing the Government at the international level or participating in the work of international organizations.

Myanmar women have represented the country in international forums since the early days. In the 1930s women participated in the drafting of the constitutional reforms in London and, also in 1947, in the drafting of the Constitution.

There are no special measures to ensure gender equality as regards representation on an international level. Representation depends on whether or not the candidates are in the field of expertise required at such meetings or conferences.

Women delegates to international conferences have ably represented the country, although the number of such women is far less than that of men. At the Fourth World Conference on Women, the Myanmar delegation included seven women. They represented various ministries and departments such as Ministry of Health, Ministry of Education, Office of the Attorney General, Ministry of Foreign Affairs, and Myanmar Maternal and Child Welfare Association.

In the international organizations there are Myanmar women serving at the professional level as well as at the general staff level. In the Ministry of Foreign Affairs, women represent 27 per cent of the home-based staff and 20 per cent of the diplomatic personnel serving in Myanmar embassies abroad. Women have risen to the Minister Counsellor level. There was a woman director-general in the International Organizations and Economic Department of the Ministry of Foreign Affairs. As regards participation of women diplomats in international meetings, it is very encouraging because of the nature of the duties. At present there are women diplomats at the Permanent Missions to the United Nations in New York and Geneva.

## Article 9. Laws pertaining to nationalities

Myanmar women enjoy freedom of rights guaranteed by law in regard of marriage, divorce, partition of property, succession and custody of children. The legal age of marriage according to the Myanmar Customary Law is 20 years — i.e., after attaining the age of 20, the woman has the right to marry anyone of her choice, without requiring parental consent.

A Myanmar woman does not take the name of her father or her husband after marriage. Her name is her own, and it is retained for life, unless she changes it of her own accord.

The Buddhist Women's Special Marriage and Succession Act, 1954, protects Myanmar Buddhist women who marry men of other religions or foreigners. The Act entitles Myanmar Buddhist women to the rights under Myanmar Customary Law in all matters, such as divorce, inheritance, succession and ownership of property. The Act also states that women who become citizens of Myanmar and convert to Buddhism have the same rights as Myanmar Buddhist women.

## Article 10. Education

Myanmar women have been able to distinguish themselves with their intelligence, diligence, decision-making abilities and skills in the field of education, and they have faced big struggles to achieve their right to education.

Education policy and procedures for admission, selection and examination are the same for both genders. The aims and objectives of pre-primary, primary, secondary and tertiary levels of education are stated for every citizen, without discrimination of sex.

Every educational institution provides the same curricula, applies the same teaching methods and approaches, conducts the same examinations and employs equally qualified teaching staff and the same teaching/learning materials for men and women. Furthermore, women have equal opportunities for other educational services such as continuing education, adult and functional literacy programmes, sports and physical education services, health information services and financial assistance for education, like scholarships and stipends. Career and vocational guidance is equally available for boys and girls. Both sexes are equally informed of the full range of vocational opportunities. School fees and other expenses such as boarding, messings, books, and equipment at the tertiary level and for technical or vocational education are the same for men and women.

At the primary and secondary levels, most of the educational indicators, which reflect the access to and quality of education for boys, are not very different from those for girls in rural areas as well as in urban areas. Two indicators — enrolment rate and transition rate from primary to lower secondary and from lower secondary to upper secondary — are selected as examples of the equality of boys and girls.

The sex ratio of enrolment (i.e., number of boys per 100 girls) was 105 for the primary level, 104 for lower secondary, and 84 for upper secondary in the 1996/97 academic year. The transition rate from primary to lower-secondary level for boys was 63.6 and for girls was 58.1. The transition rate from lower-secondary to upper secondary for boys was 75.6 and for girls was 80.8. These data imply that at the primary and lower-secondary levels, access to and retention in school for boys is slightly better than for girls; on the other hand, at the upper-secondary level the girls' condition was better than the boys'.

For 1995/96 40.9 per cent of the students from technical and vocational schools were girls. At the tertiary level, 57.8 per cent of the undergraduate students from





professional institutes and universities were females. Among those who pursue post-graduate study under the Ministry of Education, the ratio of men to women is 1:4.3. All these statistics imply that there is equal access to almost all levels and all forms of education for men and women.

Under the guidance of the Myanmar Naing Ngan Education Committee, the Basic Education Curriculum, Text Books and Syllabus Committee chaired, by the Director-General of the Department of Basic Education, supervises the curriculum development and production of text books for the primary and secondary levels. The Committee continually reviews and revises the curriculum to meet the changing needs of the country. It also monitors teaching methods and prescribed rules and regulations for examinations. The Committee ensures that both sexes have equal access to the same curriculum, co-curriculum activities, teaching methods and examinations.

There are 14 teacher training schools for the primary level, five teachers' training colleges for the lower secondary and two teachers' training institutes for the upper secondary. The Teacher Training Supervision Committee supervises the teacher training programmes and curricula to ensure the quality of teaching staff, without discrimination of sex. There is a special teachers' training institute, the University for the Development of National Races. The selected candidates from various national races attend the courses at the University for four years and are then conferred certificates. There are arrangements for them to return to their own regions after graduation and to participate in regional development activities. While serving in their own region, they are given the opportunity to pursue degree courses at the university. Both sexes are equally treated at the University.

Similarly, at the tertiary level the Universities Central Council and the Council of University Academic Bodies are empowered to formulate broad and comprehensive policies and guidelines in academic as well as administrative matters. All 54 tertiary level institutions (31 under the Ministry of Education and 23 under other ministries) are supervised by these two councils. The academic bodies are also responsible for evaluation and supervision of curriculum planning, development of teaching methods and prescription rules and methods for examinations. The Councils ensure that both men and women have the same access to curriculum, co-curricular activities, teaching staff, school premises and equipment of the same quality.

In Myanmar, stereotyped concepts of the roles of men and women is not common for educational services. Almost all forms of education at all levels are co-educational. Most basic education schools at the primary and secondary levels have been co-educational since 1962. Out of 38,808 schools, only nine (eight for girls only and one for boys only) remain as single-sex schools in three cities. However, these schools recently started accepting both sexes in their primary-level classes. There are no school fees for primary education and those for secondary education are nominal. Female teachers outnumber male teachers at the primary and secondary levels; in 1996/97, female teachers at the primary and secondary levels were 79 per cent and 75 per cent, respectively, of the total.

At the tertiary level, co-education is offered at all universities, professional institutes and post-graduate courses. Most of the technical and vocational schools and institutes and technical teacher-training institutes are also co-educational. Vocational education activities such as mobile vocational training teams, and skill-based literacy programmes are equally available for men and women.

Although both sexes are offered equal access to tertiary-level and vocational education, a high percentage of girls or women continue to select subjects such as nursing, teacher training and domestic science which are traditionally considered to be suitable for women. However, the curriculum activities, text books, teaching methods and evaluation procedures do not favour boys over girls.

In the Myanmar education system, there are special programmes to support needy students and award outstanding students. At present, Myanmar is launching an Education For All project to achieve universal primary education. Hence, the Ministry of Education is providing special funding for free text books, clothing and stationery for needy students. Similarly, tuition grants and stipends are offered to needy students, and scholarships are awarded to outstanding students at the tertiary level and in vocational education. Both sexes have the same opportunities to benefit from these scholarships, stipends and other study grants.

There are also grants and scholarships available from foreign countries, United Nations agencies and international organizations. The grants and scholarships are not available solely for women or men. The scholarship selection board selects candidates on merit, qualifications, professional experience and personality, without discrimination by sex.

During the 1997 calendar year, 38 scholarships for further study abroad were awarded to women and 27 to men. Out of 64 grants for study tours abroad, 34 grants were awarded to women.

During the 1990s, Myanmar has been making concerted efforts to reduce drop-out rates and achieve

universal primary education. However, drop-out rates and the percentage of non-schooling for girls are not much different from those for boys. The data from a household survey carried out in 80 townships in 1996/97 shows that the percentage of those 5–9 years old who dropped out of primary school is 2.37 per cent for boys and 2.43 per cent for girls. Every school has been using continuous assessment at the primary level since 1998/99. It is hoped that dropouts at the primary level are no longer a major issue for Myanmar.

The Ministry of Education has also initiated some changes in curriculum and in learning objectives, methods and approaches, student assessment and evaluation procedures since 1998/99 to reduce drop-out rates at the secondary level. Skill-based literacy programmes, continuing education programmes and other vocational training for dropouts from the secondary and tertiary levels provide the same opportunity for men and women.

In the school timetable, out of 35 periods (45 minutes per period), two periods are allotted for sports and physical education activities at the primary and secondary levels. Similarly, there are some periods allotted for sports and physical education activities at the tertiary level and in vocational education institutes. Both boys and girls have the same opportunities to participate in these activities.

Since 1990, the Ministry of Education has stressed sports and physical education in accord with the State motto: "Myanmar sports: the world to conquer". Both boys and girls have the same opportunity to participate at the township level and the state/division level in sports competitions. The Students' Annual Sports Festival has been held in the state/division capitals since 1990. The Eighth Students' Annual Sports Festival was held in Hakha, the capital of Chin state, in March 1998. Altogether 798 girl athletes (about 34 per cent of the total athletes) competed for nine different sports activities, individually as well as in teams. At every festival, there is a cultural fashion show and beauty contest for girl students. The beauty queen is awarded a golden crown, golden sceptre and scholarship for her study at the tertiary level. Nineteen outstanding women athletes, who are able to represent the country, have emerged from these festivals.

The Ministry of Education is providing equal opportunities for boys and girls to develop healthy life styles. It is cooperating with other departments and United Nations agencies to protect both boys and girls from the threat of narcotic drugs and HIV/AIDS. Educative talks on drugs and HIV/AIDS are given by health personnel and teachers at schools. Information, education and communication materials on narcotic drugs, HIV/AIDS and reproductive health are distributed for both sexes. Information on the well-being of families and family planning, which are crucial for youth and women, are included in the upper secondary-level health curriculum. The school health curriculum is available for both boys and girls. Many similar health topics are included in adult education programmes which are also equally available for men and women.

Education is a central component of socio-economic status and affects life-style choices: where one lives, how one spends leisure time, what attitudes and opinions one holds on political and social change. The educational status of Myanmar women is not inferior to that of Myanmar men. The literacy rate in Myanmar is relatively high. According to the 1983 census, the proportion of literate women among adults is 71.3 per cent, and in men it is 86 per cent. This has improved, and the 1997 figure in 80 townships shows that, among women, it is 86.3. At present, the Government is striving to achieve the goals of "Education For All by the Year 2000" adopted by the World Conference on Education For All, held in Jomtien, Thailand in 1990. To meet these goals women are not only educated through formal education but also through non-formal education. The Ministry of Education has implemented non-formal educational projects with the collaboration of United Nations agencies. Mobile technical and vocational education units are providing skills to women in border areas. A skills-based literacy programme for women and girls has been implemented by the Myanmar Education Research Bureau/UNDP in many townships and is still in progress. Fifty-five learning packages especially designed for women and girls have been developed and distributed to project areas. Basic literacy programmes in 98 townships have been implemented, to be followed by functional literacy, income-generation and quality-of-life improvement programmes. In the 98 townships, learning circles are opening for learners, out of which about 77 per cent are women learners.

## Article 11. Employment

From childhood, young Myanmar girls are trained to undertake work in and around the house. It is a common sight in rural areas to see young girls caring for their younger siblings and collecting water or firewood during school holidays. With the development of agricultural communities, women's work revolves more around the house. They prepare food, make clothing and take care of the children while also helping to plough fields, harvest crops and tend

animals. As cities develop, some women sell or trade goods in the market place. According to a Myanmar labour force survey in 1990, 6.57 million women, representing 33 per cent of the total, are in the labour force. Participation rates by broad age groups shows that in the 15–59 year age group, the percentage is 55.05.

As in many countries, a very high proportion of all female employment is absorbed by the informal sector. The activities for women range from subsistence farming, petty trading and hawking to wage-employment in unregulated small enterprises. Some women work for larger, formal-sector firms, in skilled work such as tailoring, weaving, embroidery and food production. Their contribution to the economy remains largely invisible, as does that of women who work as help in a family unit. Although Myanmar women's time-use pattern has never been studied, it can be assumed that it will have hours similar to those in other countries in Asia and the Pacific — i.e., women average 12–13 hours more "work" in a week than men.

The majority of women workers, as mentioned above, are in the agriculture sector. There are women workers in other sectors such as industry and other services, and it can be seen that women are making steady progress in entering fields such as medicine and law and elected and appointed political positions.

Working conditions vary. Where wages are concerned, women can compete for the better paying jobs in the formal sector on equal terms with men. What is usually available and feasible for women is self-employment or piece work for a local entrepreneur because the work can be combined with domestic responsibilities. However, this is not financially rewarding, and it means a much longer working day for women. The organized sectors give equal rights to both men and women in arranging easy transportation and providing housing quarters, where possible.

In Myanmar there has been no discrimination between male and female with regard to the right to employment. All men and women can receive equal pay for work of equal value, and appropriate protective measures have already been in place.

According to the existing labour laws, women in Myanmar have equal rights and opportunities. Women constitute a major component (force) of the economically active population of the country. They are duly recognized and honoured for their contributions to the development of the country.

Among the existing labour laws, the Employment and Training Act, 1950, has assisted both men and women to obtain employment equally. It provides the necessary facilities to enable them to get training and retraining and measures for the employment of young persons above and below the age of 18 (both sexes) who are still pursuing their studies.

The Employment Restriction Act, 1959, was enacted to regulate the appointment of workers or employees in vacancies and in new posts of departments and enterprises, with a view to ensuring fairness and impartiality.

All male and female workers covered by the Leave and Holidays Act are entitled to 10 days paid leave (earned leave) for 12 months of service as well as six days paid casual leave and a maximum of 30 days of paid medical leave per year, and both sexes are entitled to wages on public holidays announced yearly by the Government.

The Shops and Establishment Act, 1951, regulates the working hours of all male and female workers in shops and establishments covered by the Act, which limits the working hours of workers and sets their rest periods. Total daily working hours shall be eight hours a day and forty-eight hours a week. The Act also provides weekend holidays for workers.

The Minimum Wages Act, 1949, aims at regulating the wages, leave, benefits, and conditions of employment of all male and female workers employed in selected industrial enterprises. It contains provisions in respect of a tripartite nature (Government, employers and employees) to consider appropriate minimum wage levels for workers, irrespective of gender.

The Social Security Act, 1954, provides for all male and female workers to get free medical care in cases of illness, maternity, and in cases of work injury. It also provides cash benefits, such as sickness benefits, maternity benefits, funeral benefits, temporary disablement benefits, permanent disability pensions and survivors pensions. Under the Act, contributions towards the general insurance scheme are to be made by the employers, the workers, and the State. Insured persons are entitled to receive free medical treatment and cash benefits, under the insurance scheme.

Furthermore, the Social Security Act stipulates that maternity benefits shall be granted to insured women working in cases of pregnancy and confinement which involve suspension of earnings for a period of six weeks before and six weeks after confinement, provided that the total duration of the benefit shall in no case exceed 12 weeks. In case of miscarriage, the duration of the payment of maternity benefits shall be determined after the event.

The Factories Act, 1951, is the principal labour law dealing with the safety, health, welfare and hours of work of industrial workers. The Act prohibits or limits the employment of women in certain strenuous work, in particular work involving exposure to lead poisoning and potential exposure to toxic substances. Every workplace where at least 50 women who have children under six are working shall have a suitable or special room for the children and also shall have women supervisors to take care of the children in order to protect the women workers.

Rule 89 of the Mines Rule, 1996, prohibits the employment of women in underground work. The limitation shall not apply to women employed in health and welfare services. The Rule also provides that no woman shall be permitted to enter or remain in the underground area of any mine unless she is in possession of a pass granted by the manager of the mine.

## Article 12. Health

In Myanmar there exist no legal and social barriers which may operate to prevent or discourage women from making full use of available health care services. Myanmar women have access to health care services equal to that of men. Health care is provided to all citizens in Myanmar without any discrimination.

The health care system aims at Health for All by the Year 2000, using a primary-health-care approach. The National Health Plan (1996–2001) was formulated in 1996 and comprises six broad programmes — namely, community health care; disease control; hospital care; environmental health; health system development, and organization and management.

The health care system in Myanmar has public, private and cooperative sectors. In the public sector, the Department of Health is responsible for the provision of health care.

The health services delivery system is organized on three levels: central, intermediate and peripheral. Specialist hospitals and general hospitals at the central and intermediate levels provide secondary and tertiary care; district and township and rural health centres/subcentres at the peripheral level provide primary and secondary health care to the community.

The private sector includes both traditional and western medical care at private hospitals, private clinics and drug stores (pharmaceuticals).

The health expenditure for the Department of Health is allocated under three main headings: primary (station hospital/rural health centres, maternal and child health, school health, control of communicable disease, nutrition and sanitation), secondary, and tertiary health care. Sixty-eight per cent of the expenditures for health is spent on primary health care.

There is no strong gender preference in child-bearing. As a consequence, gender differentiation in feeding during childhood and adolescence is not common. There is a custom of serving food to husbands first at meals. However, this does not mean that the husband gets the largest share of the food. Unequal treatment does not exist as far as food is concerned. There is very little difference in the health status of married and single women, although more food is given to pregnant women.

Maternal and child health care in urban areas is delivered through 84 urban health centres, 348 maternal and child health centres, and 80 school health teams; in rural areas it is delivered in 650 station health units and station hospitals, 1,410 rural health centres and 5,640 rural sub-centres, providing primary health care plus maternal and child health care. A birth-spacing programme has been developed to improve maternal and child health.

Health activities are supplemented by multisectoral coordination and collaboration with non-governmental organizations such as the Union Solidarity and Development Association, the Myanmar Maternal and Child Welfare Association, the Myanmar Medical Association, the Dental Association, the Health Assistants Association, the Nurses Association and the Myanmar Red Cross Society.

Maternal services are delivered by doctors, lady health visitors and midwives at the maternal and child health centres or, in larger towns, at the urban health centres. To increase maternal and child health (MCH) coverage, there are voluntary MCH posts with auxiliary midwives.

Antenatal care is delivered at specialist and township hospitals and MCH centres. It is estimated that 76.4 per cent of pregnant women are given antenatal care by midwives.

Seventy per cent of the delivery is attended by trained personnel (midwives, auxiliary midwives and trained traditional birth attendants) in the rural areas. Approximately 40 per cent of deliveries occur in government hospitals, and 2–3 per cent, in private hospitals and nursing homes in urban areas.

Non-governmental organizations like the Myanmar Maternal and Child Welfare Association provide antenatal

care at their centres. Deliveries are conducted at maternity shelters all over the country.

Services for family planning and reproductive health problems are available at government facilities such as hospitals and MCH centres. Family planning services for certain contraceptive methods are offered at rural centres and sub-centres The Maternal and Child Welfare Association clinics also offer family planning services. If there are other reproductive health problems, the patients are referred to the nearest township hospital or MCH centre. There are also general practitioners, clinics and private hospitals where women can seek care.

### Maternal mortality and morbidity

Maternal mortality is defined as the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration or the site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management but not from accidental or incidental cause.

The causes of maternal mortality according to a 18-hospital study in Myanmar in 1989/90 are abortion, sepsis, haemorrhage, hypertensive disease of pregnancy, and obstetric trauma (obstructed labour and uterine rupture).

Hospital studies have shown that abortion is a major cause of maternal death. The abortion delivery ratio is at 1:3 in the major teaching hospitals in Myanmar.

A three-month study on obstetric morbidity in 18 hospitals where obstetricians and gynaecologists are based was undertaken in 1991. Hypertensive disease in pregnancy was the most frequent morbidity. Labour hypertension and post-partum haemorrhage and retained placenta were found to be the most common causes of morbidity.

The maternal mortality rate per 1,000 live births is 1.00 (urban) and 1.70 (rural). The infant mortality rate per 1,000 live births is 47.5. The total fertility rate is 3.48 (urban).

### HIV/AIDS

HIV surveillance was started on a limited scale in 1985. The National AIDS Committee was formed in 1989 with the Minister for Health as the chairman and representatives from other ministries and non-governmental organizations as members. HIV/AIDS was prioritized as the third most important health problem in 1991, and an AIDS Prevention and Control Programme was incorporated into the National Health Plan.

A blood-screening programme for HIV was started in 1989, and by 1997, 84 per cent of all the blood used could be screened for HIV. Blood safety is augmented by the recruitment of non-remunerated voluntary donors, donor education, donor selection and donor referral.

Nationwide health education activities down to the grass-roots level are carried out, directed towards the general public as well as to high-risk persons. Peer education programmes for intravenous drugs users, commercial sex workers, and youth have been implemented.

Sexually transmitted disease (STD) control activities have been integrated into the AIDS control programme. STD syndromic management has been introduced nationwide. Training courses for doctors and intervention strategies to prevent STD/AIDS have been implemented.

Nationwide counselling services have been established and provisions made for adequate medical care of all persons with HIV/AIDS. Non-discrimination and the maintenance of confidentiality towards those persons have been emphasized.

Training programmes on HIV/AIDS have been carried out for health workers in all states and divisions as well as for non-governmental organizations and community leaders. Research activities on epidemiology, behaviour, impact of HIV/AIDS, psycho-social aspects, virology and clinical aspects have been carried out to improve HIV/AIDS prevention as well as clinical care and management.

## Article 13. Finance and social security

Under Myanmar customary law, women are tenants-in-common in respect of properties. They jointly own the property accumulated during the period of marriage together with their spouses. In Myanmar, there is a special law entitled the "Married Women's Property Act" protecting the rights of women in property. Section 5 of the Act states: "Any married woman may effect a policy of insurance on her own behalf and independently of her husband; and the same and all benefit thereof, if expressed on the face of it to be so effected, shall ensure as her separate property, and the contract evidenced by such policy shall be as valid as if made with an unmarried woman."

With respect to bank loans, mortgages and other forms of financial credit, no national law in Myanmar discriminates against women. They are entitled to enjoy the same rights as men.

Myanmar women have the right to participate in recreational activities, sports and all aspects of cultural life just as men do. No discrimination exists either in legal provision or in social tradition in any form.

## Article 14. Rural women

Myanmar is an agricultural country, and the majority of the people live in rural areas. Out of the total population of 47.25 million, 72 per cent reside in the rural areas. Myanmar rural women enjoy equal rights with men, since there is no discrimination against women in either urban or rural areas.

The Government is doing its utmost to promote the socio-economic development of the people in both urban and rural areas, especially in the underserved and border areas. Accordingly, a new Ministry for Progress of Border Areas and National Races and Development Affairs was established in 1992. A central committee and subcommittees were formed in order to implement social and economic activities for the development of national races residing in those areas. At the end of December 1997, development projects in the border areas were extended to 64 townships, with an area of 74,905 square miles and a population of 5.2 million.

Rural development projects are being carried out extensively by increasing State expenditure annually; 336.9 million kyat were spent in 1997/98. The works on agricultural and land reclamation, construction of roads and bridges, village water supply, health, education and social services are being implemented.

The development activities in rural areas are performed by township development affairs departments, township general affairs departments and township agricultural organizations. These agencies plan and implement rural development works with the respective rural communities' involvement.

The Government is concentrating on upgrading the standard of living of rural farmers. Rural credit and agricultural research extension are key factors in the alleviation of rural poverty. The Government has disbursed seasonal agricultural loans, loans for purchasing cattle and agricultural implements in order to cover the cost of cultivation. The Myanmar Agricultural Development Bank has been disbursing more loans to farmers, including women farmers, and livestock breeders annually for all-round development of rural areas. According to 1996/97 provisional data, seasonal agricultural loans amounted to 9,025 million kyats; loans for purchasing cattle, carts, water pumps, power tillers and agricultural implements amounted to 1,475 million kyats; special loans for border-area development, loans for orchards and for livestock breeding amounted to 433 million kyats.

The main component in the development of the agricultural sector is the provision of agriculture facilities, and the Government has been constructing irrigation dams and embankments. Myanmar became a member of Coarse Grains, Pulses, Roots and Tuber crops (CGPRT) in Asia in 1992, and a programme of action regarding CGPRT crops has been successfully implemented since then.

The State has spent 4,192 million kyats from the Border Area Development Fund and 4,350 million kyats from the funds of various ministries on poverty alleviation, during 1989/90 to 1997/98.

The following projects have been implemented with the cooperation of UNDP and UNDCP:

(a) Border Area Community Development Project in Kokang, Wa and Kyaing Tong East regions; successfully completed;

(b) Rakhine Quick Impact Project DII, in Myauk-U, Minbya, Kyauk Taw, from January 1994 to January 1996;

(c) Chin Quick Impact Project HDJ, in Tiddim, Thantalang, Haka, Paletwa in 1994–1996;

(d) Integrated Rural Development Project in Tachilake Township, 1994–1996;

(e) Integrated Rural Development Project in Maing Yaung Township, Eastern Shan State 1994–1996;

(f) Preparatory assistance for alternative development in Southern Wa, 1994–1996.

For centuries, women in Myanmar have participated in the affairs of everyday life and also in agriculture, commerce and social affairs. The Myanmar Maternal and Child Welfare Association (MMCWA), a huge voluntary non-governmental organization, has many branches in both urban and rural areas throughout the country. Most of its members and staff are women from different social strata and they are dedicated to the health and social welfare of women, children and families. Involvement of the MMCWA at all levels of the birth-spacing programme promotes the coverage and outreach of the services.

Basic health services in the country are delivered through a well organized infrastructure of hospitals and health centres. Station hospitals and rural health centres are located in rural areas. Each centre is headed by a health

assistant and supports four rural health subcentres, serving about 20,000 inhabitants. A lady health visitor is in charge of antenatal care, delivery and postnatal care as well as supervision of the midwives. The station hospital or rural hospitals are staffed by medical officers, female nurses, lady health visitors and midwives.

The most accessible health facilities to the rural communities are the rural health centres, with a female midwife sometimes assisted by a public health supervisor, grade two. Each subcentre serves 5--10 adjacent villages so that an average of 5,000 rural persons are cared for. Midwives are truly multipurpose health workers. They perform 17 primary health care tasks, including immunization, control of infectious diseases, health and nutrition education, and attending to women's needs. Midwives are helped by volunteer auxiliary midwives and community health workers. They form the backbone of primary health care of rural communities in Myanmar. There are 330 rural station hospitals, 1,410 rural health centres, 9,524 midwives, 1,851 lady health visitors and 24,822 auxiliary midwives in the health care system for the rural population.

In Myanmar there is a social security scheme operated by the Social Security Board under the Ministry of Labour. The scheme is open to all businesses employing five or more workers and operating in the covered areas. The scheme covered 17,775 enterprises and 378,000 insured workers in 1997/98. There are altogether 79 local social security offices, operating in 96 townships. Under the scheme female workers in rural areas can enjoy the same rights as male workers, according to the Social Security Act, 1954.

There are many social and non-governmental organizations such as the Red Cross Societies in rural areas. There are also more than 23,000 cooperative societies with more than 3.1 million members throughout the country. Many women workers are involved in agriculture, livestock-breeding and fishery cooperatives in rural areas. Many rural women run home businesses and are thus self-employed. There are no restrictions on this kind of business. The Myanmar Women Entrepreneurs' Association is actively enhancing the role of Myanmar women in businesses and also arranging income-generation programmes for rural women.

According to Myanmar traditions and customs, all community members, including women, participate in community activities such as health, social and community development affairs. Traditionally, local societies such as village social clubs, village religious associations and village cultural societies are formed. Non-governmental organizations such as the Myanmar Women Entrepreneurs' Association also participate in community development activities for women. Ayardaw Township in Sagaing Division, upper Myanmar, was awarded the Sasakawa Health Prize by WHO in 1986 for outstanding achievement in health development by community participation in sanitation campaigns, natural disaster relief, control of communicable diseases and immunization.

## Article 15. Equality before the law

The successive Myanmar Constitutions safeguard the equality of men and women before the law. Article 13 of the Constitution of 1947 provides that all citizens are equal before the law, irrespective of birth, creed, sex or race. It means that there shall be no discrimination against individuals or classes of its citizens .

Paragraph (a) of article 22 of the Constitution of 1974 also provides the same protection. Article 154 (a) of the Constitution provides that women are entitled to enjoy the same rights as men in the political, economic, social and cultural spheres.

Section 11 of the Contract Act of Myanmar, which came into force in 1872, provides that every person is competent to contract who is of the age of majority according to the law to which he is subject, and who is of sound mind, and is not disqualified from contracting by any law to which he is subject. On the basis of these provisions, Myanmar legislation makes no distinction between men and women regarding legal capacity. Section 10, paragraph 1, of the same law provides that all agreements are contracts if they are made by the free consent of parties competent to contract, for a lawful consideration and with a lawful object, and are not hereby expressly declared to be void.

In Myanmar, women have the same rights as men to acquire, administer and dispose of property.

As regards the right to be treated equally in all stages of procedures in courts and tribunals, there is no discrimination whatsoever based on sex.

In Myanmar, women and men have the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile. Every person, regardless of sex, has the right to move freely throughout the territory of the country and to reside in any part thereof.

## Article 16. Appropriate measures relating to marriage and family relations

Myanmar women shall enjoy freedom of rights guaranteed by law as regards marriage, divorce, partition of property, succession and custody of children under successive Myanmar Constitutions and Myanmar customary law. As stated in article 9, the legal age of marriage is 20 years, according to customary law. After attaining the age of 20, a woman has the right to marry anyone of her choice, without the consent of parents.

During the duration of a marriage the wife has an interest in all the property belonging to either or both partners. It is usual to regard all properties acquired by the spouses during the subsistence of the marriage, except inherited property, as belonging equally to the husband and wife. The wife is a co-owner of all the joint properties with the husband. Women have specific ownership rights to the husband's properties, since a Buddhist cannot draw a will. Thus according to Myanmar customary law, if the husband dies, the wife inherits exclusively. The name of the husband and wife are often coupled together in business affairs, and documents are often drawn up in their joint names.

When the husband and wife no longer desire to continue their marriage, they may both agree to dissolve it. The most common form of divorce is known as "mutual consent divorce" which is valid without a decree of the Civil Court. The grounds for divorce are cruelty, barrenness, desertion, adultery and leprosy. Where husband and wife mutually agree to a divorce, the joint property of the parties should be equally divided between them. But where the husband and wife stand in the relation of supporter and dependent, the supporter gets two thirds and the dependent one third of their joint property.

Custody of children usually allows the boys to go to the father and the girls to the mother. However, the wishes of the children may be consulted, and in fact most of the children live with their mothers, especially when very young.